

**From:** Bill Herman  
**To:** Microsoft ATR  
**Date:** 1/27/02 6:46pm  
**Subject:** Microsoft Settlement

Dear Judge Hesse,

I am writing this email in response to the public comment request period of the Microsoft settlement case. I have programmed personal computers since they became available on the market and am deeply concerned with the legal attack on Microsoft. I have used DOS since the product's inception. I have used the Microsoft products ACCESS and EXCEL to hold and organize my data. I have used all versions of Windows when Microsoft created them. I have used Internet Explorer to view the web. At every phase of my professional career, Microsoft has helped me reach my goals. Microsoft has continually anticipated the market and expanded their product line to capitalize on that market. At every turn, they release new and more robust versions of their products. They have continually run after the American dream!

What is their reward? They get slapped with a mammoth anti-trust suit, not from the consumers they "harmed", not by some public outcry, not by any of their partners, but from their unsuccessful competitors! What these competitors could not win in a free market, they hope to extort by using the law as a club. If the same antitrust laws were applied to the auto industry, we would all still be riding model T cars since the buggy whip manufacturers could claim "unfair competition" and "intent to monopolize". If constantly improving one's products to gain market share is a crime, then you have to arrest everyone in any successful business, including myself! Failed businesses must not be allowed to set the rules for the markets in which they failed.

Just as the government protects my right what I read, what I say, or whom I associate with, it must protect my right to choose what software I have on my computer! The way to protect that right is to allow Microsoft and its partners to license and bundle software as they see fit, not as their competitors see as "fair". I am not a helpless victim. I make choices in operating system and applications. I can choose the best package for me. The court should not interfere with that choice. Everyone, including Bill Gates, has a fundamental right to his own property. By violating his rights, you violate mine. It is your responsibility to protect that right, not take it away by interfering with how Microsoft or its partners offer their products.

A free society and a free economy go hand in hand. History is littered with examples where politicians meddled in a free market. The consistent long-term result was economic stagnation and political tyranny. By becoming a self made man, Bill Gates has not harmed me. In fact, he has helped me greatly. Don't punish success. Rule in favor of Microsoft and stop this travesty of justice!

Sincerely,

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